

REMARKS

Favorable reconsideration of this application, in light of the preceding amendments and following remarks, is respectfully requested.

Claims 1, 5-13, 15-20, 22-27, 29-34, and 36-40 are pending in this application. Claims 1, 13, 20, 27, and 34 are the independent claims.

Claim Objections

Claims 4, 10, 12, 14-17, 19, 21, 22, 23, 24, 26, 28, 31, 33, and 35-40 are objected to under 37 CFR 1.75(c), as being of improper dependent form for failing to further limit the subject matter of a previous claim. In particular, the Examiner asserts that claims 4 and 10 fail to further limit apparatus claim 1. The Examiner further asserts that claim 12 contradicts its parent claim (claim 1).

Claim 4 has been cancelled. Applicants respectfully submit that 10 has been amended to further limit product claim 1 and that claim 12 has been amended for clarification purposes. Further, Applicants submit that the remaining claims objected to by the Examiner have been amended in a manner similar to the amendments of claims 4, 10, and/or claim 12.

Accordingly, reconsideration and withdrawal of the objection under 37 C.F.R § 1.75(c) is respectfully requested.

Rejection under 35 U.S.C. § 112

Claims 34-40 stand rejected under 35 U.S.C. § 112, first paragraph, as failing to comply with the enablement requirement. In particular, the Examiner asserts that claim 34 is a single means claim.

Applicants submit that independent claim 34 has been amended to recite multiple structure limitations.

Applicants, therefore, respectfully request that the rejection to Claims 34-40 under 35 U.S.C. § 112, first paragraph, be withdrawn.

Rejection under 35 U.S.C. § 102

Claims 1, 4, 5, 13, 14, 15, 20, 21, 22, 27, 28, 29, 34, 35, and 36 stand rejected under 35 U.S.C. § 102(a) as being anticipated by Sako et al. (U.S. Patent Application Publication No. 2003/00121098, hereinafter Sako). Applicants respectfully traverse this rejection for the reasons detailed below.

As shown in Figure 4, Sako discloses a medium type determining circuit 115 that determines the type of optical disc that is reproduced based on the output of a wobble detecting circuit 113. Sako further discloses:

[The] wobble detecting circuit 113 detects wobble information of which pits are wobbled and recorded in a perpendicular direction of the track direction of the optical disc 101. Depending on whether the wobble detecting circuit 113 can detect the wobble information, the medium type determining circuit 115 determines whether the optical disc 101 is a reproduction-only disc or a recordable disc. When the wobble detecting circuit 113 has detected the wobble information, the medium type determining circuit 115 determines that the optical disc 101 is a reproduction-only disc. In contrast, when the wobble detecting circuit 113 has not detected the wobble information, the medium type determining circuit 115 determines that the optical disc 101 is a recordable disc.

Sako, paragraph [0127] and Figure 4.

Thus, Sako teaches determining the type of recording medium based on the presence or absence of wobble information, but does not teach “the physical mark information identifying a type of the recording medium,” as recited in claim 1 and as similarly recited in amended claims 13, 20, 27, and 34.

Furthermore, claim 1 has been amended to recited that “the lead-in area including a high-frequency-modulated groove.” The other independent claims have been similarly amended. With respect to claim 5, the Examiner states that he is interpreting pits as mark/space with respect to a high-frequency-modulated groove (HFM), and/or that such is inherent in Sako. However, Sako only teaches wobble pits, and at least Fig. 7 and Fig. 6 of the subject application make clear that wobble pits are different from a HFM groove. Accordingly, Sako does not disclose or suggest, inherently or otherwise, “the lead-in area including a high-frequency-modulated groove,” as recited in the independent claims.

Because Sako fails to disclose each and every feature of the claimed invention, Sako cannot anticipate or render the claimed invention as recited in independent claims 1, 13, 20, 27, and 34 obvious to one skilled in the art. Claims 4, 5, 14, 15, 21, 22, 28, 29, 35, and 36 are also allowable by virtue of their dependency on either independent claim 1, 13, 20, 27, or 34 and for the features recited therein.

Accordingly, Applicants respectfully request reconsideration and withdrawal of the rejection to independent claims 1, 13, 20, 27, and 34 and all claims dependent upon them.

Rejections under 35 U.S.C. § 103

Claims 6-10, 16-17, 23-24, 30-31, and 37-38 – Sako/Timmermans or Ozaki

Claims 6-10, 16, 17, 23, 24, 30, 31, 37, and 38 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Sako in view of either Timmermans et al. (U.S. Patent No. 5,737,286, hereinafter Timmermans) or Ozaki et al. (U.S. Patent No. 5,572,507, hereinafter Ozaki). Applicants respectfully traverse this rejection for the reasons detailed below.

Claims 1, 13, 20, 27, and 34 are patentable over Sako for the reasons discussed above. Claims 6-10, 16, 17, 23, 24, 30, 31, 37, and 38, dependent upon either claim 1, 13, 20, 27, or 34, are patentable at least for the reasons stated above with respect to claims 1, 13, 20, 27, and 34.

Timmermans is generally directed to a complex form of ensuring that radial wobbles between original discs and copied discs are not aligned. Timmermans discloses:

Only when the detection circuit 61 detects a signal component of a predetermined frequency caused by the radial wobble will the information recovery be enabled. When there is an absence of this component, the information recovery is disabled. This means that the information recorded on a record carrier without radial wobble with the predetermined frequency cannot be recovered.

Timmermans, col. 6, lines 47-53 and Figures 5 and 7.

Thus, Timmermans discloses an information recovery circuit recovering information from a received detection signal rather than a recording medium comprising “the physical mark information identifying a type of the recording medium, and the lead-in area including a high-frequency-modulated groove,” as recited in claim 1 and as similarly recited in amended claims 13, 20, 27, and 34.

In addition, Applicants submit that Ozaki is directed to an optical disc device for checking optical discs and a device for recording information on an optical disc. Ozaki states “this invention relates to a device for checking an optical disc to determine whether or not the optical disc contains illegal copy information.” Ozaki, column 1, lines 13-14. Ozaki further discloses first through fifth embodiments, with each of the first through fifth embodiments including optical disc, reproduction device and recording device sections. Ozaki teaches writing a “normal” pit train and an “unusual” pit train within optical media, but Ozaki does not teach a recording medium comprising “the physical mark information identifying a type of the recording medium, and the lead-in area including a high-frequency-modulated groove,” as recited in claim 1 and as similarly recited in amended claims 13, 20, 27, and 34.

Therefore, Sako combined with either Timmermans and/or Ozaki can not render independent claims 1, 13, 20, 27, and 34 obvious to one skilled in the art. Claims 6-10, 16, 17, 23, 24, 30, 31, 37, and 38 are also allowable by virtue of their dependency on either independent claim 1, 13, 20, 27, or 34 and for the features recited therein.

Accordingly, Applicants respectfully request reconsideration and withdrawal of the rejection to claims 6-10, 16, 17, 23, 24, 30, 31, 37, and 38.

Claims 11-12, 18-19, 25-26, 32-33, and 39-40 – Sako/Kuroda or Muramatsu

Claims 11-12, 18-19, 25-26, 32-33, and 39-40 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Sako in view of either Kuroda et al. (U.S. Patent No. 6,707,774, hereinafter Kuroda) or Muramatsu et al. (U.S. Patent No. 6,532,206, hereinafter Muramatsu). Applicants respectfully traverse this rejection for the reasons detailed below.

Claims 1, 13, 20, 27, and 34 are patentable over Sako for the reasons discussed above. Claims 11-12, 18-19, 25-26, 32-33, and 39-40, dependent upon either claim 1, 13, 20, 27, or 34, are patentable at least for the reasons stated above with respect to claims 1, 13, 20, 27, and 34.

Furthermore, Applicants submit that Kuroda is directed to a recording and reproducing system, recording apparatus and reproducing apparatus having copy protection function. The copyright protection function of Kuroda is provided via a watermark. However, while the watermark of Kuroda indicates whether or not a particular disc can be copied, the watermark of Kuroda does **not** indicate a **type** of the disc. Thus, Kuroda cannot be said to include “the physical mark information identifying a type of the recording medium, and the lead-in area including a high-frequency-modulated groove,” as recited in claim 1 and as similarly recited in amended claims 13, 20, 27, and 34. Further, it is apparent from a review of Kuroda that the watermark is embedded during a DVD authoring process. Accordingly, it cannot be said that the

watermark is “recorded in an area not writable by end-user recorders” as recited in independent claims 1, 13, 20, 27, and 34.

Muramatsu is directed to an information record medium with a record/reproduction area and a reproduction dedicated area. Muramatsu is related to reproduction or copying control for DVDs. In particular, the Examiner cites to column 1, lines 14-68 of Muramatsu. In this section, Muramatsu discusses that a portion of a DVD-RW may be disabled from information writing. This portion corresponds to a reproduction control section of the DVD. Accordingly, the reproduction control section from the original DVD may not be transferred to a DVD-RW, and as such, copying of the DVD cannot be performed. In contrast, the independent claims recite “the physical mark information identifying a type of the recording medium.” Nothing in the above-cited section of Muramatsu suggests that the reproduction control information stored at the original DVD indicates a type of the recording device. Rather, the reproduction control information simply indicates whether copying is allowed, and the DVD-RW cannot achieve this authorization because its corresponding reproduction control section is disabled.

Nor does Muramatsu disclose or suggest a HFM groove as claimed.

Therefore, Sako combined with either Kuroda and/or Muramatsu can not render independent claims 1, 13, 20, 27, and 34 obvious to one skilled in the art. Claims 11-12, 18-19, 25-26, 32-33, and 39-40 are also allowable by virtue of their dependency on either independent claim 1, 13, 20, 27, or 34 and for the features recited therein.

Accordingly, Applicants respectfully request reconsideration and withdrawal of the rejection to claims 11-12, 18-19, 25-26, 32-33, and 39-40.

Double Patenting

Claims 1, 13, 20, 27 and 34 stand rejected on the ground of nonstatutory obviousness-type double patenting as being unpatentable over claims 1, 2, 3, 12, and 13 of U.S. Patent No. 7,102,989 in view of Sako.

Concurrently submitted herewith is a Terminal Disclaimer that renders this rejection moot. Accordingly, Applicants respectfully request that the Examiner withdraw this Double Patenting rejection.

CONCLUSION

In view of the above remarks and amendments, the Applicants respectfully submit that each of the pending objections and rejections has been addressed and overcome, placing the present application in condition for allowance. A notice to that effect is respectfully requested. If the Examiner believes that personal communication will expedite prosecution of this application, the Examiner is invited to contact the undersigned.

Pursuant to 37 C.F.R. §§ 1.17 and 1.136(a), Applicant(s) hereby petition(s) for a two (2) month extension of time for filing a reply to the outstanding Office Action and submit the required \$450.00 extension fee herewith.

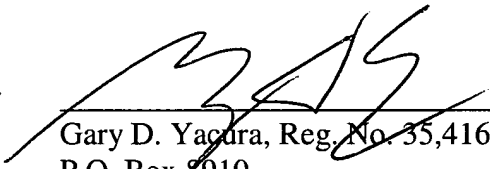
Should there be any outstanding matters that need to be resolved in the present application, the Examiner is respectfully requested to contact Gary D. Yacura, at the telephone number of the undersigned below.

If necessary, the Commissioner is hereby authorized in this, concurrent, and future replies, to charge payment or credit any overpayment to Deposit Account No. 08-0750 for any additional fees required under 37 C.F.R. § 1.16 or under 37 C.F.R. § 1.17; particularly, extension of time fees.

Respectfully submitted,

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By



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